

HMK/mhb FS 7933

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MAN FERROSTAAL, INC.,

Plaintiff,

07 CV 8607 (RMB)
ECF CASE

-against-

M/V OCEANTHI, her engines, boilers, tackle,
etc., SPECIAL MARITIME ENTERPRISE (ENE),

JD POLEMIS SHIPPING CORP., HYUNDAI
MERCHANT MARINE CO., LTD.,

Defendants.
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**NOTICE OF MOTION
FOR
RECONSIDERATION
OR
REARGUMENT OF
ORDER OF
DISCONTINUANCE**

PLEASE TAKE NOTICE, that pursuant to Local Civil Rule 6.3, plaintiff will move this Court before Honorable Richard M.Berman, United States District Judge, for reconsideration or reargument of the Order of Discontinuance dated and entered June 25, 2008, on the grounds that the Court overlooked the fact that the case should still be pending until the settlement amount agreed upon is paid over to plaintiff and plaintiff releases defendants, which has not yet occurred; and overlooked the law that deprives the Court of jurisdiction over the settlement by issuance of an involuntary dismissal under Rule 41(b), F.R.Civ.P.

Dated: June 30, 2008

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